

ZONING AND ADJUSTMENT BOARD

December 7, 2009

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, December 7, 2009, at 6:30 P.M. with the following members present: Frank Topping - Acting Chairman, Ron Berry, Dossie Singleton, Nathan Yoder, Richard Cole, Jessica Garner, Bailey Cassels, and Woody Hill.

Members Brad Sheppard, Marge Thies, Larry Story, Frank Szczepanski, and Bob Hunt were absent

Sandy Cassels - Recording Secretary, Brad Cornelius - Planning Manager, and Derrill McAteer - Zoning and Adjustment Board Attorney, were present.

Acting Chairman Frank Topping called the meeting to order.

Mr. Hill led the pledge of allegiance, and Mr. Berry led the prayer.

Mr. Topping presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the November 2, 2009, meeting. Mr. Berry seconded the motion, and the motion carried.

R2009-0025

Rocco Development, LLC – Rezone 37.82 acres MOL from A5 & RR1 to RR1C to bring the property into compliance with the Future Land Use Map.

George Glavey, applicant, was present and requested a rezoning on 37.82 acres MOL from A5 & RR1 to RR1C to bring the property into compliance with the Future Land Use Map. There were 24 notices sent. Of the 24 notices sent, 14 were returned in objection and none were returned in favor. There were no objections from the audience. Mr. Topping explained the letters of objection would not be read into the record but are in the file.

Mr. Cornelius gave an overview of the application. Mr. Cornelius explained the application will only be bringing the property into compliance with the Future Land Use Map. Mr. Cornelius explained the zoning district of RR1C will allow a conventional (site) built residence or a Class “A” mobile home on a minimum of one acre. Mr. Cole asked Mr. Cornelius to explain the difference between a Class “A” mobile home and a Class “B” mobile home. Mr. Cornelius asked Mrs. Cassels to explain the difference. Mrs. Cassels stated a Class “A” mobile home is less than five years old at time of permitting, has a 3:12 roof pitch, is at least 20’ wide at its smallest measured point, has the same siding to the ground, and has more of an appearance of a conventional home. A Class “B” mobile home would be any other mobile home, including a brand new single wide.

Mr. Glavey explained all he wants to do is bring the property into compliance with the Future Land Use Map and has no plans at this time to develop the property.

Mr. Hill asked Mr. Cornelius if the development of this property would require any improvements to CR 121. Mr. Cornelius explained there have been preliminary discussions with Sumter County Public Works on improvements to CR 121 but no improvements are required at this point and development at this location would not trip a threshold for the realignment of the intersection of CR 121 & C-462.

Mr. Cole made a motion to recommend approval of this rezoning to the Board of County Commissioners. Mr. Berry seconded the motion, and the motion carried.

R2009-0024

Edwin A. Keiler, Sr. – Rezone 0.96 acres MOL from RR1C to RR1 to allow the placement of a Class “B” mobile home.

Edwin Keiler, applicant, was present and requested a rezoning on 0.96 acres MOL from RR1C to RR1 to allow the placement of a Class “B” mobile home. There were six notices sent. Of the six notices sent, none were returned in favor or in objection. There were no objections from the audience.

Mr. Cornelius gave an overview of the application. Mr. Cornelius stated the parcel has a zoning district for a one acre parcel even though it is a little less than one acre, because of the lessening out for road right of way. Mr. Cornelius also stated there is a mixture of Class "A" and Class "B" mobile homes in the general area. Mr. Topping asked Mr. Keiler if he has plans for the property. Mr. Keiler stated he plans on purchasing a mobile home and putting it on the property.

Mr. Cole made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Berry seconded the motion, and the motion carried.

R2008-0030

James Wade – Amend Sumter County Land Development Code to allow the platting and individual sale of lots within a recreational vehicle (RV) park.

James Wade, applicant, was present and requesting an amendment to the Sumter County Land Development Code to allow the platting and individual sale of lots within a recreational vehicle (RV) park.

Mr. Cornelius gave an overview of the application. Mr. Cornelius explained the application will allow for the platting and sale of individual lots within a recreational vehicle (RV) park. The applicant would be required to follow the same platting process as a subdivision of single family lots. Mr. Cornelius stated staff surveyed surrounding counties to find out if they allowed for the platting of RV parks and found: Pasco – Yes; Hernando – Yes; Polk – Yes; Citrus – Yes; Marion – No; and Lake No.

Mr. Cornelius stated the Development Review Committee (DRC) reviewed the application and recommended approval of the Ordinance to the Zoning and Adjustment Board (ZAB), with the following changes to the ordinance: under Recreational vehicle PUD (RVPUD) change four (4) or more RV sites to five (5) or more RV sites, and adding a provision the RV park would still be required to abide by Florida Statutes and Florida Administrative Code related to permitting requirements of the Sumter County Health Department.

Mr. Cole asked Mr. McAteer if he reviewed and was comfortable with the ordinance. Mr. McAteer stated he reviewed the ordinance and agreed with the ordinance and changes requested at DRC. Mr. Topping asked if there could be a mixture of lots rented and sold. Mr. Cornelius stated there could be. Mr. Cole asked if this amendment is related to case R2009-0023. Mr. Cornelius stated this amendment would apply to all RV parks, not just the RV park under consideration in R2009-0023. Mr. Cornelius explained the development plan for R2009-0023 includes the platting and sale of RV lots.

Mr. Wade explained he had several people inquire about the selling of RV lots. Mr. Wade also explained the selling of the lots would have a positive impact on the tax base for Sumter County, as the lots would be taxed individually instead of as one whole parcel.

Mr. Hill asked Mr. Cornelius if the RV park subdivision would be required to have a Home Owners Association (HOA). Mr. Cornelius stated the platting of a RV park would be the same as the platting of a residential subdivision and would require a HOA.

Mr. Cassels questioned if the county would be responsible for the roads within the RV park. Mr. Cornelius stated the HOA would be responsible for the maintaining the roads.

Mr. Cole made a motion to recommend approval of the request for an amendment to the Sumter County Land Development Code to allow the platting and sale of individual lots in a RV park with the conditions placed by the DRC. Mr. Hill seconded the motion, and the motion carried.

R2009-0023

674 Properties, LLC. – Rezone 128 acres MOL from A5 & C1 to RVPUD

Merle Bishop, AICP, representative for the applicant, was present and requesting rezoning on 128 acres MOL from A5 & C1 to RVPUD. There were 23 letters sent. Of the 23 letters sent, five were returned in objection and none were returned in favor. There were no objections from the audience.

Mr. Cornelius gave an overview of the project. Mr. Cornelius explained this project was the subject of a large scale future land use Amendment from Agricultural to Mixed Use. Mr. Cornelius advised the ZAB that on November 24, 2009, the Board of County Commissioners adopted a remedial amendment to resolve

objections raised by the Florida Department of Community Affairs to the future land use amendment. The remedial amendment was adopted pursuant to a stipulated settlement agreement between the County and DCA. Mr. Cornelius advised that any recommendation for approval of this rezoning must be subject to the finding of compliance by DCA of the initial future land use amendment and remedial amendment.

Mr. Cornelius gave an overview of the application and discussed compatibility with surrounding properties and the location criteria for RV parks within the Land Development Code. Mr. Cornelius also reviewed the development requirements such as buffering/screening, site lighting, internal roads, lot layout, parking, environmental resources (floodplain and wetlands), traffic, potable water & sewer, and stormwater. Mr. Cornelius reviewed the staff recommended conditions for approval. Mr. Cornelius requested the ZAB add a condition to the conditions provided in the staff report to allow for the placement of accessory structures not to exceed 20% of the lot size or 1,000 square feet, whichever is less.

Mr. Bishop, representative for the applicant, provided a presentation summarizing the application and demonstrating the compliance of the request for the RVPUD with the standards of the County's Land Development Code and Comprehensive Plan. Mr. Bishop introduced Mr. David Brown of Progressive Water Resources. Mr. Brown was prepared to provide a presentation regarding the process for permitting the potable water wells to serve the proposed RVPUD. Mr. Cole asked Mr. Brown if the permitting of the potable water wells was through the Southwest Florida Water Management District (SWFWMD). Mr. Brown confirmed that SWFWMD will be the permitting agency. Mr. Cole asked if the ZAB needed to hear the presentation given the decision to issue the permit for the potable water wells is under the jurisdiction of SWFWMD and not the County. Mr. Topping, Acting Chairman, agreed with Mr. Cole; and there was no objection from the other ZAB members. Mr. Brown did not give a presentation but submitted a hardcopy of a slide presentation regarding the permitting of the potable water wells into the record for the rezoning.

Mr. Berry questioned the limitation on the connection of other properties to the extended sewer forcemain from the City of Bushnell. Mr. Cornelius explained that new developments from CR 673 to approximately 2 miles north would not be allowed to connect to the sewer forcemain from the City of Bushnell. This limitation was a result of the negotiations with DCA and a key element of the stipulated settlement agreement and remedial amendment. Mr. Bishop existing developed properties with septic tank failures may connect to the sewer forcemain from the City of Bushnell on a case-by-case basis. Mr. Berry asked if the traffic count included construction and flea market traffic on Mondays. Mr. Cornelius stated the traffic study is done on an annual average daily traffic and does not account for temporary or single-day event traffic spikes.

Mr. Cornelius advised the ZAB that the Development Review Committee reviewed the application for the RVPUD and recommended approval subject to the conditions within the staff report.

Mr. Cole asked Mr. Bishop if the applicant agreed with the conditions for approval. Mr. Bishop stated the applicant agreed with the conditions.

Mr. Cole made a motion to recommend approval of the rezoning to the Board of County Commissioners subject to the recommended staff conditions. Mr. Berry seconded the motion, and the motion carried by a vote of 7 in favor and one opposed.

R2009-0001

Village Park Center – Amend RPUD zoning on 46.54 acres MOL with a RPUD & CH zoning.

David Springstead, PE, representative for the applicant, was present and requested an amendment to an RPUD zoning for Village Park Center. There were 15 notices sent. Of the 15 notices sent six were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Cornelius gave an overview of the project. He explained the project has a RPUD zoning and a CH zoning on the property being added to the RPUD. Mr. Cornelius explained this project was previously approved by the County. However, the developer changed the development plans for the project, which resulted in the need to amend the RPUD for the project. Mr. Cornelius stated a correction was needed to the staff report to change the number of originally permitted residential units from 122 to 177. Mr.

Cornelius advised that staff recommends approval of the amendment to the RPUD subject to the developer entering into a Development Agreement, pursuant to Chapter 163, Florida Statutes.

Mr. Springstead explained the conceptual plan for the project and the location of the project. Mr. Springstead also discussed the buffering/screening for adjacent properties to the east of the project, and the open space requirements.

Mr. Topping asked if the entrance to the project is by the Hampton Inn on C-466. Mr. Springstead that is one of the two entrances to the project. Ms. Garner questioned the topography of the project in regard to the underground parking and stack block wall on the eastern boundary of the project. Mr. Springstead confirmed the topography of the site would allow for the underground parking option and the stack block wall along the eastern boundary of the project.

Mr. Cole asked Mr. Springstead if the applicant was aware of the conditions staff recommended for the project. Mr. Springstead stated the applicant is aware of the conditions and is in agreement with them.

Mr. Cole made a motion to recommend approval of the amendment to the RPUD zoning to the Board of County Commissioners subject to the conditions recommended in the staff report. Mr. Berry seconded the motion, and the motion carried.

Chapter 163, Development Agreement, Site & Concurrency agreement for Village Park Center

The ZAB acting as the County's Local Planning Agency held the first of two required public hearings for the proposed Development Agreement, pursuant to Chapter 163, Florida Statutes, for the Village Park Center project.

Mr. Cornelius explained the proposed Development Agreement provides for specific limitations related to development entitlements for the project, consistent with RPUD (R2009-0001) and specific requirements for the provision and maintenance of infrastructure.

Mr. Cornelius announced the seconded and final public hearing for the Chapter 163/Developer's Agreement will be held by the Board of County Commissioners on December 29, 2009.

Mr. Cole made a motion to approve the Chapter 163 Development Agreement. Mr. Berry seconded the motion, and the motion carried.

Adopt Ordinance to amend Sumter County Code of Ordinances and Land Development Code to clarify and regulate the conditions for the allowance of temporary commercial and non-commercial temporary uses.

After discussion, the ZAB tabled this request to a date to be determined.

Mr. Yoder made a motion to adjourn at 8:40 P.M. Mr. Cassels seconded the motion, and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board